

REMARKS/ARGUMENTS

Claims 1-48 are pending in the application.

Claims 1-48 are rejected.

1. In the above referenced Office Action (OA) (mailed 07/26/2004, Part of Paper No./Mail Date 20040714), the Examiner has rejected claims 1-48 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

2. In addition, the Examiner has rejected claims 1-48 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-48 of prior U.S. Patent No. 6,693,566 B2 as being a double patenting rejection.

The Applicant brings to the attention of the Examiner that the OA indicates “prior U.S. Patent No. 6,696,566,” (and not prior U.S. Patent No. 6,693,566). The U.S. Patent No. 6,696,566 is entitled “6-substituted pyrido-pyrimidines” and does not appear to be relevant subject matter with respect to the prosecution of the instant U.S. patent application.

The Applicant respectfully believes that this is merely a typographical error made by the Examiner, and the Examiner intended to indicate prior U.S. Patent No. 6,693,566 in the OA. If this is not the case, the Applicant respectfully requests clarification by the Examiner so that the Applicant may respond accordingly.

Claim Rejections - 35 U.S.C. § 112

1. In the above referenced Office Action, the Examiner has rejected claims 1-48 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner states the following:

“The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification only discloses a turbo encoded data block or turbo encoder. The specification does not disclose an encoded data block or an encoder..” (see Office Action, Part of Paper No./Mail Date 20040714, p. 2).

The Applicant respectfully traverses.

The Applicant has canceled claims 1-48 without prejudice and is submitting new claims 49-96 for consideration by the Examiner.

Claim Rejections - 35 U.S.C. § 101

2. In addition, the Examiner has rejected claims 1-48 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-48 of prior U.S. Patent No. 6,693,566 B2 as being a double patenting rejection.

The Applicant respectfully traverses.

The Applicant has canceled claims 1-48 without prejudice and is submitting new claims 49-96 for consideration by the Examiner.

The Applicant respectfully believes that claims 49-96 are in condition for allowance and respectfully requests that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present patent application.

RESPECTFULLY SUBMITTED,

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